

REMARKS

Claims 1-9 are pending in the application and stand rejected. Applicants acknowledge with gratitude the Examiner's withdrawal of the previous objection to the Abstract and the previous rejection in view of *enF2000*.

Rejection under 35 U.S.C §102

Claims 1-4, 8 and 9 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patnet No. 6,418,554 to Delo et al. In particular, the Examiner finds that, with regard to claim 1, Delo discloses all of the claimed limitations at col. 6 ll. 31-55, col. 15 ll. 27-48, and col. 17 ll. 30-33. Applicants have reviewed the reference with care, paying particular attention to the pages cited, and are compelled to respectfully disagree with the Examiner's characterization of this reference.

Broadly speaking, the Delo reference is concerned with a method of remotely installing software on computers on a network (just like Applicants' invention) through the use of the Windows® Installer service to download and install the required files (please see col. 8 ll. 1-6 of Delo). As known, the Installer is a low level service that resides on each local computer and installs software when activated locally by the user of each such computer (see, e.g., col. 7 ll. 9-25) Applicants' claimed approach, on the other hand, employs a low level service that resides on a remote server, not on the computer, and which executes locally on the user's computer through the use of the Windows® Service Control Manager (SCM), which registers the remote low level service with the local PC as a new service and thereby allows the service to execute on the local PC as a local, low level service without actually being stored/residing on the local PC.

Thus, with particular reference to the Examiner's comments, Applicants submit that Delo does not associate an executable file from a shared resource on a network wherein the executable file is adapted for controlling a local setup procedure under the form of a low level service. The executable file of Delo is the managed software installer mechanism (the Windows Installer) which is already resident on the local PC and thus cannot be categorized as being on a shared resource on a network; what is associated in Delo are group policy objects that may contain,

inter alia, application deployment information (col. 6 ll. 43-48). An easy way of divining the differences between Delo and Applicants' invention is that Delo uses the Windows Installer service already present on a local PC to install all software packages, whereas Applicants use a dedicated service downloaded from a server to install each particular software package. Thus, for the same reasons, Delo does not permit the automatic launching of a local setup procedure in accordance with the contents of a description file (as per Applicants' claims) because the user of Delo must first launch Windows Installer by double clicking an icon or such, and nothing happens until the user chooses to so invoke the Installer service.

In view of the above Applicants respectfully submit that although directed to a mutual goal, Delo is not in fact anticipatory of Applicants' claimed methods, and request the Examiner to kindly reconsider and pass claims 1-4, 8 and 9 to allowance. Applicants note that the above comments are equally relevant to the novelty of each of claims 1-4, 8 and 9.

Rejection under 35 U.S.C §103

Claims 5-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Delo in view of various other documents. Claims 5-7 depend from claim 2. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claim 1 as applicable to claim 2, Applicants submit that claim 2 is novel and patentable and therefore claims 5-7 are also allowable.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

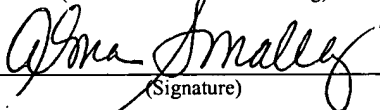
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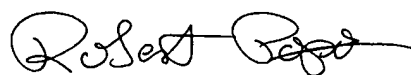


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Respectfully submitted,



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